

AGENCY ESTIMATE
OF THE FISCAL IMPACT OF IMPLEMENTING
HB 170 S1 2011 General Session
Tobacco and Nicotine Product Amendments

Sponsor: Representative Paul Ray

Agency Contact: Jenefer Youngfield 28 Feb 2011

Agency Utah State Office of Education

Lead Analyst: Ben Leishman

Title: School Construction Specialist

Office: 801-538-7669 **Cell:** (801) 513-6682

A. Short Form (For bills that have no impact on the state, local governments, businesses, or individuals.)

If you can check all five boxes to the right, you're almost done. If the bill obviously doesn't have an impact, you're done.

- | | |
|--|---|
| <input checked="checked" type="checkbox"/> | State agencies will not require an appropriation to implement the bill. |
| <input type="checkbox"/> | There is no fiscal impact on local governments. |
| <input type="checkbox"/> | There is no fiscal impact on businesses. |
| <input type="checkbox"/> | There is no fiscal impact on individuals. |
| <input type="checkbox"/> | The bill will not affect revenues. |

If it isn't so obvious, explain what's going on. The most usual explanation is the codification of existing practices.

Attachments welcome.

If necessary, explain why this bill has no fiscal impact.

This bill amends the Uniform Driver License Act, provisions relating to the state system of public education, the Utah Criminal Code, and the Utah Code of... *Continued on second tab.*

B. What parts of the bill cause fiscal impact?

Cite specific sections or line numbers.

Lines 17 thru 33 illustrate the uncertain fiscal impact related to possible added resources and time to... *Continued on second tab.*

C. Which program gets the appropriation?

Enter 3 letter Appropriation Unit Code.

For multiple appropriations

This is of

D. Work Notes: Assumptions, calculations & what are we buying?

Explain the fiscal impact in plain English, detailing your assumptions, methods, & calculations.

List all direct costs. Identify one-time and ongoing costs. Detail FTE impacts.

Do not say, "\$50,000 in Current Expense." Be very specific about what this \$50,000 will buy.

Attachments encouraged.

It is not possible to accurately quantify possible increased time and resources related to (1) enforcing new language, (2) going through the legal processes to prosecute offenders, (3) the possible effect on offenders and the parents and guardians responsible for the minors, (4) paying fines proposed, (5) reduced revenues of businesses and (6) the effects of the punishment.

E. REVENUES

Select Fund

Current Budget Year
FY 2011

Coming Budget Year
FY 2012

Future Budget Year
FY 2013

Total

0

0

0

F. COSTS by FUND

Select Fund

Current Budget Year
FY 2011

Coming Budget Year
FY 2012

Future Budget Year
FY 2013

Total

0

0

0

G. COSTS by EXPENDITURE CATEGORY.

Expenses by Category

Personal Services
Travel
Current Expense
DP Current Expense
DP Capital Outlay
Capital Outlay
Other/Pass Thru

Current Budget Year
FY 2011

Coming Budget Year
FY 2012

Future Budget Year
FY 2013

Total

0

0

0

H. Non-State Impacts

Your estimate of how will the bill affect:

Local Governments

Local governments may see reduced tax revenue and an increase in offenses because of added restrictions. With more restrictive language local governments may see a reduction in revenues... *Continued on second tab.*

Businesses

Business may see reduced sales and increased chances of compliance violations. Offenses may be more costly and significant because of added restrictions and offenses being more punitive... *Continued on second tab.*

Individuals

There may be reduced usage of nicotine products by minors. Individuals choosing to use nicotine products unlawfully may find themselves being penalized accordingly. Individuals possessing... *Continued on second tab.*

2010 Version 11.09

This is a draft fiscal note response from the Utah State Office of Education (USOE) and may be revised in the future.

Attachments welcome.

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HB 170 S1 2011 General Session continued...
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A. Short Form - continued from first tab...

Criminal Procedure to prohibit the provision, obtaining, and possession of certain flavored tobacco products and to place prohibitions and restrictions on the provision, obtaining, and possession of a nicotine product. The bill makes it a class A misdemeanor to knowingly acquire, use, display, or transfer a false or altered driver license certificate or identification card to procure a nicotine product. The bill allows for a compliance officer appointed by a board of education under Section 53A-3-402 to issue a citation for a violation of this section committed on school property. The bill states that the State Board of Education may, and local boards of education and governing boards of charter schools shall, adopt rules that prohibit the unlawful use, possession, or distribution of a nicotine product; prohibits and provides penalties for the provision, obtaining, or possession of a flavored tobacco product, other than flavored chewing tobacco; cigars; cigarettes; cigarette tobacco; or pipe tobacco; subject to certain exceptions, prohibits and provides penalties for the provision, obtaining, or possession of a nicotine product; addresses enforcement of, and investigation of violations of, the provisions of this bill. School districts and charter schools, compliance officers, as well as law enforcement, may see an increase in offenses with added restrictions. There may be a decrease in usage of tobacco products by underage individuals with the added restrictions. Some of the penalties become progressively more harsh with re-offenders and vary from a class C misdemeanor up to third degree felony depending on the violation. Both the penalties and charges for noncompliance to the changes in the bill are clearly noted.

B. What parts of the bill cause fiscal impact continued from first tab...

enforce the new requirements of the bill, along with the possible reduction in nicotine sales and thus reduced revenues.

C. Which program gets the appropriation continued from first tab...

D. Work Notes: continued from Tab 1 continued from first tab...

E. REVENUES continued from first tab...

F. COSTS by FUND *continued from first tab...*

G. COSTS by EXPENDITURE CATEGORY *continued from first tab...*

H. Non-State Impacts *continued from first tab...*

because of reduced sales of newly restricted products. Local courts and legal systems may see an increased impact related to the prosecution of more offenders or may see a reduction in offenses overall because less products may be available for distribution of under age individuals. Schools districts and charter schools resources may be impacted by increased oversight of compliance officers to enforce new requirements of the bill.

Business may see less false or fraudulent drivers license information offenders because of added charges and fines.

a drivers license with false or fraudulent information may be prosecuted. Individuals in violation of the bill may be charge d progressively more harsh upon re-violation.

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